

# Closed Caption Log, Council Meeting, 07/26/11

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good morning. If I could have your attention, I'm going to call to order, quorum is present, so I'll call to order this meeting work session of the austin city council on TUESDAY, JULY 26th. 2011, At 9:05 a.m. We're meeting in the board and commission room, austin city hall, 301 west second street. Austin, texas. Before we begin today, i want to turn it over to the city manager to introduce a new senior city employee.

Thank you, mayor. Good morning, council, ladies and gentlemen, it's my pleasure this morning to introduce a new director, karl smart. Karl is an accomplished professional with more than 27 years of experience in code compliance and neighborhood conservation. Karl is the former director of neighborhood conservation in atlanta. He also most recently was the director of the code compliance department and an executive program administrator for the city of fort worth. Teaching classes on code enforcement and management techniques and revitalization of neighborhoods and of course I had the distinct privilege of working with karl in fort worth for about five and a half years. He is an excellent individual as well, and we're very pleased to welcome karl as a member of our management team and the austin family. Welcome, karl. [ Applause ]

welcome, karl, we'll have some things to talk about because -- [laughter] -- because not only that, i just wanted to say I have a little bit of history with atlanta having spent my entire career as working for atlanta's major employer, delta airlines, so I know my way around that place and we'll talk about that some time. Anyway, welcome. Council, first we will take up executive session and then come out and discuss the agenda items that any individual member wants to discuss. So pursuant to section 071 of the government code, the city council will consult with legal counsel regarding the following two items, item d1 concerning legal issues related to cause d1gn11-001063 in the 419 judicial district court travis county, texas. Styled dominic chavez, alfred stanley, and michael levy, the city of austin, and city council councilmembers, lee leffingwell, that should be chris riley place 1, that is a typo there. Mark in regard to these, place 2, mayor pro tem, another typo here, sheryl cole, councilmember lara morrison police 4. I stand corrected, this language was written when the lawsuit was filed, so it is -- mayor pro tem -- mayor pro tem mike martinez, randi shade place 3, lara morrison, place 4, bill spelman, place 5, and sheryl cole, place 6. In addition pursuant to 074 of the government code, the city council will discuss personnel issues regarding the following item. Item d2 concerning the appointment, employment and evaluation duties of the deputy city clerk. Is there any objection to going into executive session on the items announced? Hearing none, we'll now go 57600no carrierringconnect 57600 node.

we discussed legal issues related to items d 1 and d 3 and personnel matters related to item d 2. So now, council, the floor is open to discuss the remainder of the work session agenda, which is any item that is on thursday's councilmember -- council meeting agenda. -- Interrupted] I want to be --

Martinez: I want to be real brief, I do want to be over one of the items of council that I'm a sponsor of. Item 109.

Mayor Leffingwell: 109.

Martinez: I believe. I think -- I'm looking for my agenda right quick. Yes, item 109 with councilmember morrison and yourself as co-sponsors. Really, I have had some conversations with week and it -- wanted to just try to -- to explain as simply as I can the intent behind this and what the actual example that came up for me to put this on the agenda, there might need to be an amendment to the language that literally says to create a code ordinance amendment if necessary. Because I think there's still some questions as to the authority and latitude that the fire chief has. Long story short, there was a multi-family complex, very old, 30 plus years old. A gentleman was on the ground floor. Had his pit five feet away from the building. Was grilling. The person living above had a balcony hanging over. Asked him to move, he said no, within my rights, I'm five feet from the building. Which is true, what the ordinance required. But there didn't seem to be some discretion in this record drought that we're in, in an old complex like that not built to today's fire standards, I just felt like I wanted to create an opportunity for the chief and/or her designee to have the authority to respond to a complaint like that, say yes you are within the ordinance but can we move it another five feet and the whole point is really to encourage those old complexes that old apartment complexes that don't have designated areas to create those. And new complexes today, they literally have policies that say you cannot grill anywhere on this property except at our grill that we have provided for you. That to me is a -- is probably the best solution, but in these old complexes, who don't have those types of facilities, they could at least designate areas just to try to create a safer environment. So if the fire chief or the fire -- let's just say the local fire station responds to a call, they would have that authority and ability to apply some discretion to make sure that everyone is as safe as possible. This just happened a couple of weekends ago, that was really the whole intent behind this to allow that authority, if it's not already granted to the chief to make those kinds of discretionary decisions in those case-by-case situations.

Mayor Leffingwe Yeah, I i think it's a good resolution to have. I think we have already found out that the fire chief has more authority than we thought.

She canceled the fourth of july.

Regarding the fourth of july. Anywhere doesn't hurt to give it to her again, i guess. Councilmember morrison?

I just wanted to add, yeah, I appreciate mike bringing this up, but also one of the things that occurred to me as I was looking at this, language, and that is that we have a -- especially an old -- in older neighborhoods, we have some properties that basically are single family houses that are now multi-family properties so i think it would be helpful for us to figure out how we want to delineate exactly who this applies to.

Mayor Leffingwell: Any other comments on this item? Other items to bring up? Certainly I'm going to have comments on item 110, i think that I will reserve most of my comments, it has to do with the water plant 4. And I will reserve my comments for -- for the council meeting on thursday, but I do want to give everyone a heads up that -- that I'm going to call a special called council meeting at the site, at water plant 4, potentially 30 I think it would be an excellent idea. This is an important and huge project for the city to make sure that all of us are absolutely up to date on what is on the ground out there right now. So -- so confirmation of this will be forthcoming. I wanted to give you a heads up about it now. Councilmember martinez?

Martinez: Thank, mayor, I guess that I'm going to 107, which is councilmember tovo and morrison's resolution basically asking for a delay and a public input stakeholder process through january on the extended parking meter hours. So I simply want to highlight the fact that the mayor's office and mine have been working with many stakeholders since the initial adoption of the extended parking meter hours. Up to and including achieving consensus on some substantial amendments to what was initially adopted. While I certainly support having continued dialogue, continued input from stakeholders and

concerned citizens, I think that we've come to a consensus point to where we can actually move forward with extended meters, at least with the folks that we've worked with, and it kind of be a compromise from what staff recommended and where we are now at consensus and those -- those amendments would be that -- there's pretty substantial, I'm not going to read through all of them. But basically it's cutting down on days that we would charge to thursday, friday and saturday. It would require an application for smart phone to -- to tie into the way finding system to allow folks to find off street parking more conveniently. It would require -- all of these requirements would have to be in place prior t the start date of the extended metered hours. What we were projecting was around august 1st time frame. Not august -- october 1st time frame. It would require parking for volunteers of non-profits, it would require industry parking, it would require loading and offloading stations for musicians to load in and out of clubs. But I think that we have done substantial work. I would like it to -- you know, to share it with the rest of the council to see if we can come up with a compromise. As opposed to just delaying it in january because of the fiscal implications that it will have on the policy that the council has already adopted and that is to extend metered hours. In the downtown area. So, you know, I'm glad to share this with everyone, the mayor, mayor, staff, and my staff have been looking on this. The list of shareholders is also on this sheet so you can take a look at who is on the table and who we were able to achieve a compromise with in terms of groups and folks that are interested in this.

Sheryl?

No microphone]

as long as they are germane, I would have to defer to legal. As long as they are germane to the posted item, which is a resolution to -- to postpone to january, if we can come to a consensus, i think we all have the same intent and that is, you know, we're not sure we want to move forward with the full-on, blast, you know, 24 hours a day charging for parking. But I think we're at different points as a council as to what we might agree upon. This is just something that the mayor's office and mine have been working on that we had intended to bring forward as a compromise after the last few months of stakeholder input. If we can -- if a majority of this council would like to consider an amendment to thursday's item and put these parameters in place now, we have been meeting with staff as well, this is not something unbeknownst to staff. I think that we could move forward at least with this compromised version and then the continued stakeholder and public input process.

Well, let me talk to -- to you about two issues. One, one of the reasons that I supported this item in the past is simply because of equity. I did not feel that it was right for waiters or non-profit volunteers who have to come downtown during the day and go to the social security office or to capital metro or other errands downtown and they have to pay. First as people who come to downtown at -- versus people who come downtown at night primarily for entertainment they are treated differently. So I didn't like that in equity argument. So I would like to work with you to try to think about some amendments and that that should be considered in the public process because i don't think that equity argument has been forcefully put out there. An then secondly, and this is where your amendments really come in and this -- this just came to me as i was listening to you talk about the smart phones, is we have a problem throughout the city with homelessness. But that is especially apparent downtown. And I don't know if any thought has been given as a part of these revenues being dedicated to that problem because we have no funding source currently other than what we use for the arch to -- to subsidy the permanent supportive housing. Because that problem is in downtown, we might want to entertain some other -- other funding options to help the public understand that we are not just taking this money to make downtown more convenient, but we're trying to also make the whole city better, not just in terms of transportation.

And that's fine. I'm more than happy to have that conversation, I think that we need to keep in mind that -- that the projected 3 million, and that for every day all day charging, I guess it was 00 multimedia and then to midnight on -- 8 to and then midnight on friday and saturday. With this current proposal we severely reduce that revenue so it's going to be even harder to try to fund more with less money. You

see what I'm saying? It's substantially reduces the revenue, I don't know exactly what that figure is, but I know that it's below a million now.

Well, I know we were struggling and councilmember riley might could help me with thi actually find a staff position for [indiscernible] and that was I don't know 60 to \$100,000, it wasn't like there was -- we currently have staff positions that we need that help with social services that could be indexed to that. But just the -- just moving on one on downtown problem and not recognizing or helping the whole city to recognize that we need to have a funding source for it, so I would just like to have that conversation with you.

Sure. Let me just say councilmember, the way that the item is currently posted, I don't believe on thursday it allows enough flexibility to -- to amend the substantive provisions of the underlying ordinance. I think that we're going to have to bring back a more specific action item on the underlying ordinance to amend those substantive provisions. I think having this discussion is perfectly okay because it's related to that. But to actually have an action on thursday for the substantive amendment for the underlying ordinance, i think we're going to have to repost that at a later date. It's an ordinance, so would it be an amendment to the ordinance?

Mayor?

Mike?

Just one last point, this will be my final point. The reason that I want to make it is because I think that it's still extremely critical. That is the provision that councilmember spelman put on the original action of this item. That is that we do an economic impact study six months, 12 months, 18 months after and if -- if some of those concerns that have been raised come to fruition, we as a body have committed that we would revisit this issue so that it not negatively impact businesses downtown in restaurants and music venues, so I think that provision, councilmember spelman, is what -- for me still allows me to support moving forward with this policy decision to extend parking meter hours because the commitment that we've made to the community is -- if those fears come true, we will revisit this issue and potentially reverse that policy decision.

Mayor Leffingwell: Let me just say that obviously I'm concerned about, you know, possible inconvenience or worse to stakeholder groups of all kinds in the downtown area. But I'm also concerned about potential loss of revenue. We're talking about a dedicated source of revenue here that was going to improve street scapes and downtown austin as well as make a definable regular contribution to urban rail should that ever come to pass. So we're going to have to try to balance all of these things at the same time and -- and in a way I think that it's -- it's maybe fortuitous that we're going to have to address these not this thursday, but begun the discussion of these things, we will have to repost them in a different format. And let me just reiterate, i know this is on your radar screen, but I think one of the more important parts of this that we need to address post haste is valet parking. We need to get a good solid proposal on that because i believe there's general agreement right now that what we -- the system that we have in place now needs to be -- needs to be revised. so I'm going to be bringing that into the discussion real soon.

Morrison: Mayor.

Mayor Leffingwell: Laura.

Morrison: I want to thank you and mike for doing the work with the folks that you have been doing and i think that maybe we can roll up our sleeves and sit down and look at -- I would definitely like to look at work that you have come up with. I -- and see if we can't work something out. I think that -- that, you know, there's some folks that still feel that they haven't had a part in the conversation, so maybe we can look at some way to get that integrated in and try to merge the two efforts. I'm definitely open to that.

And, yeah, I wanted to also bring up the issue of valet parking. We had originally, I think originally we were supposed to be at a point in august where we were ready to deal with the valet parking and that's gotten way laid. We need to realize that that is another revenue source that needs to be there that's not there right now. I agree with you completely that \$250 per permit per year for a space or three spaces on the street -- okay, one? Gordon -- yes, one. And I would like to have a really frankly a really creative conversation about that, because if you think about the use of our streets, there are different way that's we charge people for that. We have permits for use of the streets, we have a customer charge, you know, if you think about cable companies doing the franchise fee of 35 cents per person or public/private partnerships. Because when I think about valet parking and how much cash flows through there compared to the \$250 permit, it seems like there's -- maybe good ways that we can partner and make that something that the city can be involved in, also. So -- so mike, yeah, I would love to be able to take a look at that. Maybe you and I can get a chance to chat I don't have line before thursday -- chat offline before thursday.

If I might just so you also have this to consider, the budget that we're going to present tomorrow anticipates the revenue from the extended parking hours and you should also note that I believe or with respect to that extended program, that additional staff has been hired and of course equipment has been purchased, so any change that impacts the revenue obviously affects the program that I have just characterized.

Morrison: Does the -- city manager, does the budget foresee or incorporate any change to the valet parking permits?

Not that I'm aware of. Robert ford gordon? No.

That's really, that's going to go up.

Mayor Leffingwell: I figure if we do it right, you we can spend a whole lot of time on this one. Kathie?

I, too, think there's a possibility within the valet to offset some of the costs take we might incur by delaying a bit. I do think there's good reason to invite some of those other voices to the table and see if the transportation department can continue its good work in helping the stakeholders find solutions to these issues. I have a slew of questions that I will refrain from asking. But I do want to point out some of the costs that were included in this memo that we received yesterday i think are investments we would have made, you know, whether it starts in september or in january, things like signs, I assume those are the way finding signs that we want to do anyway to encourage people into garages, additional paper rolls I assume can be used regardless of how we structure the times of charging. But I did have -- other things, uniforms, all of those are useful even if we made no changes to the project because I assume they would be one way or the other. But I did wonder why new employee wages are estimated at \$41,000. What time frame does that cover? That \$41,000? Have those new hires and i guess why would the new hires have been made at this point if the program doesn't --

rob, do you want to come up?

Take effect for at least until september.

I know it was supposed to START AUGUST 1st.

Robert spiller, director of transportation, we hired with the employees with about a six month lead to get them trained, these are enforcement officers. So the salaries are annually fully loaded salaries with benefits per the standard employment policies of the city. So we needed to train those officers so that they could be ready to go. The program -- when the program began operations, otherwise it would have

been a six-month delay. So --

Mayor Leffingwell: Go ahead.

Tovo: Is there a cost associated with the smart phone application?

I'm going to ask my staff to back me up on this. What we have done is already aggregated the locations of those lots and so I think that process is already in process so staff time to -- to put the -- the program out there.

And am I right in my assumption that some of these costs are for products that will be used regardless of --

well, the signs actually are not way finding signs, those are regulatory signs, again the reason that we've already ordered those because it takes a delivery time and a manufacturing time. So obviously if - if the policy and times changes, then those signs have to be remade. We were smart enough to anticipate that there might be some changes coming, so we bill those signs so that they can be modified but there's still a cost to the sign and the modifications that would have to be made.

Mayor Leffingwell: While you're here, rob, so if you get the smart phone app to find a parking place, is that a violation of city ordinance if you are driving down the street using your app to find a parking place? Are we encouraging people to do that?

As long as you don't text, as I understand --

Mayor Leffingwell: I think even reading --

hopefully your passenger will help pilot you in.

Mayor Leffingwell: The idea would be that you would have the smart phone to your passenger and have him look while you drive.

I will tell you that the early smart phone applications will be pretty rudimentary. One of the items that we hope is that with the upgrade of the the parking management system, working with the private garages that will soon within the coming years be able to aggregate data from both private and public spaces as to where spaces would be made available, we would hope that the private enterprises would pick up that data and create a much more sophisticated smart phone application to actually predict the availability of spaces.

Mayor Leffingwell: Chris?

Mayor, I would just note that we are not -- we don't have to invent the wheel here. There are already apps out there in use in another city, one I already installed on my phone called parker that will identify your location --

from a guy that doesn't have a car? [Laughter]

Riley: I have some friends who have cars.

He's the passenger.

Mayor Leffingwell: I don't think it's against any city ordinance to look at your smart phone while you are

riding. [Laughter]

[Indiscernible]

you know the passenger in a car is a good position to navigating and these apps are ideally suited for that. Typically what cities will do is make a data stream available and leave it to the private sector to come up with the user interface, the app has brings it to the user. That should be fairly easy and very low cost and quick. And all in just a matter of making data available.

Yes, it's the issue of data. So we're starting this process to start working with garages as well as on street space to aggregate that data that's of value in the private entrepreneurs pick that up. The early smart phone applications are simply showing where the garage is and so forth are, that will be the first phase. The first phase aggregating the data, so a private entrepreneur can pick it up. So we will be in the job of pulling the data together and putting it out on the market for whoever to pick it up.

Riley: Ideally, someone using an app like has would be able to tell not only how many spaces are available at any given location, but the hours of operation for that --

I would assume, yes.

Riley: -- And even how much they would expect to pay at that facility.

Yes, again, here in the city remember that we're dealing primarily with private lots. If that's data that those lots are willing to share as part of a virtual parking system, then the city can aggregate that, that's the value that we can add to the process is aggregate that data to a single data set and put that out for other services to pick up.

Riley: Seems like what -- the idea that we ought to be promoting is not necessarily somebody driving around staring at their phone but somebody before they set out taking a look at their destination and finding available spaces near that destination so they can go there. The whole point to is reduce the stress of having to find a space at the location. You -- when you want to come downtown, you ought to be able to go downtown and park without circling around block after block clogging up the streets and generating pollution as many people do now when they are searching for those elusive free on street parking spaces, much -- there are a lot of studies outlet there trying to identify the percentage of traffic out there in downtown settings that's devoted to cruising, searching for parking spaces is a very significant issue in downtown settings. A significant portion of the traffic that you see is people cruising for parking spaces, the whole point is that we can stop that.

Certainly reduce it.

Reduce it. So there's no more cruising. Just know exactly where you are going and go there. Not only does it reduce the stress on the user once they come downtown, it's more convenient but it's actually more environmentally friendly on because you don't have as much driving around searching for a spot.

Morrison: If I could, san francisco recently put in a system that you probably know about this, rob, where I believe they actually have sensors in the streets so that open parking spaces on the streets can be seen on your phone which i think really encourages the use of your phone while you are driving, which is not a good thing.

Right. That's just a quick thing.

Mayor Leffingwell: [Indiscernible] please before you leave home and then you get down there and it's

gone.

Well -- [multiple voices]

Mayor Leffingwell: People pull in right in front of me --

Riley: Typically we are talking about garage off street parking spaces that have hundreds of spaces available. I really don't think that there should be a need to get to -- the sensors for the curb spaces because what we're aiming for is a system in which there is turnover. If you really want to park on the street about something like 15% of the spaces should be available and if it's -- if not, your price is too low. If there's more than that your price is too high. Generally there should be spaces available for those who do want to park on the street. You shouldn't need an app to get those.

That brings up a question that maybe you could help us with, rob, why did san francisco feel the need to do that?

Well, this is really an ini know straight active point in the -- innovative point in the industry right now. Even though they were trying to look at individual spaces I would say they probably had a really good salesperson visit them with the idea. There is value in aggregating district so before you left town, parking in the second street district because there's something going on, the theater across the street is all full, we could perhaps aggregate that data over a district sort of area so that you know that the second street area may be full, but the museums might be less full. In fact we've been talking to some new technology vendors given that our system is fully electronic and we know when paying is going on, to try to use that data to try to do just that. Try to look at districts and say how difficult is parking in the second street district, how difficult is it around sixth street. Again not an individual space but sort of the big size, hundreds of spaces available. I suspect that's the answer.

Mayor Leffingwell: Any other comments on that item, sheryl.

I've another one. A few questions on 110, is rudy here?

Thank you, council.

There he is.

Rudy, I noticed on water treatment plant 4 that we have language directly to immediately halt issue of notice to proceed. Can you tell me what is a notice to proceed?

I'll try to be simple as possible. When we enter into a contract, I will just use the last contract we entered into, which is gnp 5, we agreed to all of the terms and conditions for the construction work with the contractor, at that point i personally signed a letter accepting all of those terms and conditions. Then instruct them to return to us with the surety and the bonds so we can then proceed, so the next step then is present their bonds, confirm that they have that in place, the next document is a notice to proceed or an acceptance of -- we accept their bonds and then we notify them that they now are authorized to proceed construction. And so in this last contract that's exactly again that's the phases that we went through. So that's the final step for us giving them direction that they are now authorized to begin work. Actually work on the ground.

Cole: Okay. So you talk about they have accepted their bond, explain that.

Well, we have accepted their band.

Cole: We have accepted their bond. How did they get bonds and what does that mean in relation to the contract?

Well, they are required to have bonding for all of the segments of the work, you know, in -- which is typical for all of our contracts, all of our projects. In case something happens with the work performance or delivery of service, and they are unable to perform, we then go and seek relief from the bonding agency.

Cole: So we have two separate sets of bonds going on, right? We have the set that they actually spend money and go out and rely on our contract to get the security for their workers.

Correct.

Cole: And then we have bonds that we borrow to pay them; is that right?

That's correct. And, you know, maybe it will make it easier, I will just call them insurance, you know, basically it's an insurance policy.

I just wanted to make that clear because we have two separate things involving bonds going on, both of them are potentially significant. Once we get that notice to proceed, what does that allow to occur?

That means they can mobilize and begin work.

Cole: So that's basically our goal? Our deal is --

it's a deal.

Cole: Okay. How many notices to proceed have been granted?

Let's see.

I will element it to montgomery watson, we had other work done under the cm at risk. From montgomery watson we have given them -- a total of 7 gmp's that we have authorized and provided notices to proceed.

Cole: We have resolution language that says if we pass this resolution tomorrow, it's what -- specifically, it says the city -- it says the city manager is directed to immediately halt issuance of notices to proceed on any construction aspect of water treatment plant 4 until directed otherwise by the city council. What does that mean to you?

That means that it's -- what's happening right now is -- is this week, and i believe it's tomorrow or perhaps thursday, we will receive our bids for the raw water pump station. So we will still be -- the just listening to that, reading to myself, we can still accept those bids, we can enter into negotiations with hospital gulf of mexicory watson, montgomery watson, work out all of the terms and conditions, sign an agreement where if we come to an agreement, we can suit that up until that point and then -- the way that I interpret that means that we could not issue a notice to proceed meaning they could not mobilize and begin construction.

Okay.

The language in this -- this might be a question for the city attorney, until otherwise directed by the city council, what does that mean with respect to notices to proceed? Don't say unless otherwise directed by

city council. Just kidding you.

What does directed by city council mean?

Cole: It's my understanding from this language that if we pass this resolution, we have said stop all notices to proceed.

Correct.

Cole: Until there is further action by council. So that is a two-vote process.

Correct. That's the way we would interpret it. But we could do all of the process that rudy just described except no notice to proceed until the council would take some other action, I guess based upon the information that council has asked for, council is asking for information pursuant to that resolution.

Cole: And the reason that I bring that up to my colleagues as to you, rudy, is that -- is that -- it's concerning to me that we would have to take an affirmative act to continue and inconsistent with the other language saying that we are not stopping construction. So that if we have a -- an amendment, I will offer it on thursday, basically, limiting the time period that we are halting the issuance to proceed until we get the information that we're asking for, then we don't have to take an affirmative action by council to continue. And -- rudy -- mayor, I'm going to let you call on because councilmembers are raising their hands.

Okay. Kathie.

Tovo: I have a follow-up question for city legal. The way that I read this resolution it's saying halting further issuances of notices to proceed until these cost estimates have been provided to the council and the public and I think the makers of the resolution had a time frame for when that information is to be presented. So --

brent lloyd is the lawyer in our office who actually worked on the language. So brent do you have that in front of you? I'm sorry, I don't have it in front of me.

I believe that the date is august 11th was the date when the information was required to come back and the resolution very well developed and provided to us by the council office, that was the date it was in the resolution.

Mayor Leffingwell: Are you talking about presenting it individually because there's no meeting on that date.

It says close of business. So we noted that as well, that's a canceled meeting date. So we assumed that it would be provided in writing. It says to the public and to council. So I think that it would be just asked discretion to submit to council in writing the requested information and also at the same time make sure that it's available publicly.

Mayor Leffingwell: All right.

Cole: Mayor, I will just so my colleagues are aware, I think to be consistent that language should be tied to this date OF AUGUST 11th, THAT -- Rather than saying until directed otherwise by council that we say until AUGUST 11th, WHICH IS THE Deadline for the [indiscernible]

Mayor Leffingwell: Understood. I just want to make clear because there's a lot of sort of -- I don't want to

say convoluted but detailed, legalistic discussion of the terminology. Basically what that means is we presently -- right now \$304 million worth of contracts that are signed and for which notices to proceed have been issued. Those will not be affected. That includes the jollyville transmission line and many other large projects. What we have left are basically some small projects, raw water pump station, admin building, landscaping, which I believe rudy takes us to a total of something like maybe 40 million, something like that remaining, that's all that we have remaining, that's all that would be affected by this resolution as it stands now or as you have tentatively proposed in the future. So I just want to make sure that everyone understands that this is not -- at this point nobody is talking about a stoppage of work on the plant.

Cole: I understand, mayor, but I still am going to offer that amendment for several reasons because the main one that you just said of the confusion with the halt language, so we can make it clear even if it's just \$40 million I think that the public needs to know, most importantly our bond counsel needs to know. bill newman walked in, i visited with him yesterday, I don't want to do any more visiting with bond counsel until we really make a decision this is what we want to do. I want to make clear that we are doing a notice to proceed, halt, we have used that --

Mayor Leffingwell: We haven't done it yet.

Cole: We are considering.

Mayor Leffingwell: I will say that I don't plan to support it. I think with regard to credibility issues for the city and credibility with bond rating agencies, perhaps some of that damage has already been done, i certainly don't want to do more than we have already done.

Spelman: Mayor?

Mayor Leffingwell: Bill?

Spelman: The earlier draft of that resolution there was a specific date for the notice to proceeds to be able to come back up. The reason why it was taken out of the final version of it was because it was my understanding that we weren't sure that we could get all of the information that we were looking for on AUGUST 11th, I ALSO WANT Sure how long it would take city council all of us to process that information and decide what we wanted to do about it. Rather than second-guess our own decision making processes, and [indiscernible] date, i figured that it would just be easier for us to have that two-key system versus [indiscernible] resolution second pass it the second [indiscernible] second direction from the city council to be able to allow the notices to proceed to continue. But if we can come up with -- if you have a suggestion for a date after AUGUST 11th, WHICH WOULD Allow rudy's staff time to come one the answer -- with the answers and also allow --

Cole: The 30th. Rudy, do you have a suggestion that -- I guess that you don't want to do this at all, so why --

Mayor Leffingwell: Our next council meeting is AUGUST 18th.

Cole: August 18th. Rudy, do you want to comment?

Just using our typical time line, and again I don't know if my date is tomorrow or thursday, but -- thursday that we would seek bids, typically it would be two to three weeks, probably maximum of three weeks that we would be ready to -- to issue a notice to proceed. So we would expect that and -- but I can't -- i don't have a calendar in front of me. I don't know that date. So three weeks from thursday would probably be -- at a point where we would be ready to move forward.

Mayor Leffingwell: That WOULD BE THE 18th.

So the 18th would be when we should be ready to issue a notice to proceed. Anything after that would be a delay in the typical process.

So you are good with the 18th.

Spelman: We probably ought to talk about it more.

Cole: Tomorrow. I have one other issue that I wanted to ask some of my colleagues to, the makers of the resolution. I noticed that one of the justifications for the resolution was consistent with our values which was to be able to support conservation, reclaim nation and distribution improvements. And I'm wondering if you have given any thought or talked to staff, we don't have to do that today, about any percentage increases that you are looking for with that. Five percent, 10%, 20%, over five to 10 years, none of that work has been done?

Spelman: There's been lots of discussion to that, it didn't seem appropriate to put that in this resolution.

Cole: Okay. I'll ask some questions about that, because I think that it's an important, if we're going to, you know, draw such attention to the project and do it in the name of many of our other values, that we put some parameters on staff what we're trying to -- we're saying we want to think about not doing this because we really want to do that, well, how much of that do we want to do. That's what I'm getting at, so I will get to that --

Mayor Leffingwell: Well, I wasn't going to say anything. I was going to reserve all of my comments for thursday, but since this has been brought up, I do want to say a couple of suggestions, especially with regard to repairing leaks, that has been our policy, we've had a robust policy in place since 2007. To reduce the amount of water that we loose their leakage, that's -- loose through luke cage, same thing water conservation task force work product in 2007, we were going full speed ahead as far as the market could absorb it with a reclaimed water project. As you know, we already have one reclaimed water tower up out by mueller, we have a line in the ground that's going to serve the university of texas and other areas downtown, several other main lines for reclaimed water in -- in works right now. So we're proceeding with all of those -- with all of those projects that are funded, capital funded projects previously. And of course I think that it's going to put -- pose somewhat of a problem, i don't know if it's a big one or a small one, I don't think we can just routinely divert funds that have been approved in the capital budget from 2008 and say okay we're not going to do that, we're going to do something else. We're going to have to go back and make some changes with regard to that. Then what do you do with the funds with those funds that have already been allocated for the plant? Do you have to go back and reallocate those? It kind of gets confusing to me about how the financing of all of this is going to work. So -- so if you want to talk about developing those efforts separately, that's one thing. If you want to talk about diverting funds, that's -- that's from -- that are currently being used for the plant, that's something else entirely.

Cole: I understand, mayor. I'm just thinking about the information to request on a few amendments. Thank you.

Mayor Leffingwell: Any more comments? Obviously, more discussion to come on this. Day after tomorrow. Any other items to be brought up, laura?

Morrison: I just want to briefly mention there's one zoning case that we have, some of you might have been visited by some of the neighbors on it. 127 on west street. 1502, It's a property that's zoned lo-h historic and it turns out that there is a -- there is a hair salon as a small piece of the property. And so there's been -- there was a compliance action as i understand it and the -- the property owner has asked

to come in and upzone it to go because that's the first zoning category that would actually allow a hair salon. And we have run into this situation, I have run into this swaying personally before where that one i guess it's personal improvements or personal services?

Greg guernsey, planning and development review department, it's personal services and a hair salon is one of many uses that would fall under personal services. So it's not a distinct use by itself.

Okay. So -- but the problem sometimes becomes somebody wants to do like a small yoga studio, it's lo, they have to upzone to go, on the map, it's difficult. One of the things that i wanted to look into, because there is concern about zoning this go, there is a valid petition. One of the things that i wanted to look into, hopefully we'll get some information from staff before that. It's in judge's hill, whether there's a way that we can adjust the downtown plan for instance or maybe there's something we could do in terms of a new personal services limited which could be something very small that would be allowed in lo but I was hoping that we might be able to be a little bit creative about -- about accommodating a hair salon that's -- i think it's like 500 square feet or something like that and the use itself seems to be pretty bammed with the neighborhood right now. Pretty balanced with the neighborhood right now.

The applicant actually amended his zoning case and so now it's less than a thousand square feet. It's an existing carriage house. I think that they have two chairs for the hair salon. So you could either create a change to the zoning ordinance that would speak to a new use personal services limited and restaurant general, restaurant limited, hospital general, hospital limited, i guess we could look at personal services limited versus personal services general. Another thing that you could do is add a conditional overlay to the go district which I don't think the neighborhood is really thrilled with. But you could limit it to personal services plus lo uses and lo site development regulations, so it would pretty much have the same characteristics. But this is a very small tract of land toward the rear of the property. Unfortunately when the applicant actually amended their case, the petition went up because they removed the portion of the property that's further away from those adjacent homes. So in that sense it looks worse than when he started.

Kathie.

Greg, I have question for you related to that. There's my understanding cases in the past have run into the same issue for very small scale hair salons. That sort of speaks it to being beyond just a need to resolve this particular issue but to resolve what may be a broader issue of what comes up from time to time. I think there was a case on maybe burnet or braker.

I don't remember a hair salon, I remember a tattoo parlor where this came up because it's also personal services.

Morrison: Also it's yoga studio, I remember that on --

personal improvement, more like a health club.

Mayor.

Similar kind of thing.

Riley: The planning commission has talked about a code amendment to add personal services to lo, is that -- have they actually initiated the code amendment?

I'm not a wear of a code amendment initialed.

Riley: They talked about at it the end of the meeting where they discussed this, on june 14th the

commission talked about a code amendment to do that, i think they had already initiated it.

I'm not aware of it being initiated but they could bring it up -- [multiple voices]

okay.

Exactly the sort of code amendment that you are talking about.

I guess, greg, could you advise us on thursday if -- what are our options if there's a sense from the council that it would be good if there were some way to accommodate this hair salon under lo, however, we're talking about personal services limited what are could we then postpone this zoning case and -- and wait for that code amendment? To come through? And that would resolve the -- the non-compliance?

Right, we would probably need some direction actually about doing amendment. But council always has the priority of postponing the case. You could ask the question of the planning commission to -- the subcommittee of the planning commission to consider this, but we could do either one of those.

Morrison: I think the idea of having very small scale personal services in much less intense areas is a great idea as it's more of a ability to work within your own neighborhood and live within your own neighborhood. But we do want to be careful of unintended consequences and all of that. So I like the idea.

Mayor Leffingwell: Chris and then kathie.

I would note in this case this particular case did not arise as a result of a neighborhood complaint. It was a code enforcement was out there for some other issue and noticed it and brought it to the neighbor's attention. But the salon has been there for six months, the naked hadn't had any problem with it. So the neighborhood was open to the idea of a code amendment that would allow the salon to remain in place with the existing zoning.

Kathie.

This is a new topic.

Morrison: I'm through.

Tovo: Also a zoning issue. I wanted to raise briefly, i know we're trying to wrap up here, but cases there were two cases that are in the downtown area, 128 and 129. Actually 129 I think raises more of a concern for me with regard to the issue that I'm going to discuss, but it's my understanding that the downtown plan is coming to us next month. As I very briefly looked at the -- where these properties fall, I believe they fall within the downtown density bonus area. As described and defined by the downtown plan. And so -- so I'll just share with my colleagues that i have some -- colleagues that I have some concerns about approving what amounts to really major height increase outside of the downtown plan when we'll have that tool in place hopefully soon and could instead ask that applicant to move forward with that increase in height and far as a result of the downtown density bonus provisions, I wanted to just clarify with staff if I'm reading that correctly in terms of what would happen had the downtown plan been adopted by the time we're considering this case. If you could kind of take us through really briefly what the current entitlements are, what they would be like --

let me just tell you --

Tovo: How the density bonus program with interface with that. 128 is a rezoning case on west 8th street at 510, that is in the urban core. The other one I believe is in the south shoal creek/lamar district. So both of those would be certainly in the downtown planning area. The one in the core I think it was shown because of the -- of the existing zoning would probably come out at dmucure at 60. That's what was indicated in that case. On that particular case, was recommended by the commission and has neighborhood support. The other one I think there is opposition to the request as presented. The other case was at 701 and 711 west seventh street. That was a request for cbd zoning. That particular case that property ask knots have support of the neighborhood. If they modify dmucure, it would have their support. Both of those I think are in areas where the density bonus program would come in. I brought george just in case that you might have questions about how that density bonus program would work.

George adams, planning and development review department. Regarding the question, councilmember, currently the dap speaks to the need of a density program downtown and identified some broad parameters related to that. If the council moves forward with that recommendation, the actual implementation of the density bonus program would be a follow on item. So we would -- we would spend some time working with stakeholders, planning commission, et cetera, to develop the details of that density bonus program and it would move through the code amendment process, so it's going to take a while to actually get that in force and applicable to projects coming through the system.

That would actually be somewhat like we did in gateway we approved the plan, regulatory plan following up and as we are doing on east riverside right now.

Tovo: Do you have any sense of when the density bonus part of that would come to council? I have seen the draft form and the draft would require some things of the property owner that are think are very good, encourage family friendly housing, affordable housing, contributions or on site affordable housing provisions, there's some on other really wonderful community benefits that would --

you know it's certainly one of the first items that we would get to work on after the adoption of the plan. My guess is four months would be extremely aggressive. Six months would probably are more realistic.

Mayor Leffingwell: I will say from my perspective, this is to be dealt with later with the downtown plan, but I'm having a hard time understanding why we want to abandon a tool that may be useful to cure zoning is what I'm talking about, as used on a selective basis and I've got some concerns about that.

Riley: Question about 128. In the past, when -- in that area, when there's been a rezoning from multi-family to commercial, often there has been some consideration of requiring some percentage of residential use. I know that we did that on that same block and in surrounding blocks and in fact on 129 that requirement is part of the recommendation. Was there any consideration on 128, the one at [indiscernible] west 8th street, any consideration of a residential requirement?

There is. With respect to the commissioner's recommendation to you, for those portions of the property that would be constructed over 60 feet in height, there would be a requirement at 50% of the net residential conditioned space would be used for residential use. So as the building grew in height you would at least 60% area over --

that's on 128.

That's on 128.

Riley: Do we know what the height limit of the capitol view corridor imposes there?

I I know that the capitol view corridor slices property diagonally. Also I think noted in the baskup, but I think it only hits the corner of the property, yeah, only touches a corner of it. I don't know if I actually

have the height limitation of that area, but we can have that figured out for you, it's a very small portion. The other case that's on west seventh actually almost divides that property in half.

Riley: Thanks.

Mayor Leffingwell: Kathie.

Tovo: I think it's 129 where the neighborhood has agreed to dmU and the property owner continues application for CBD and it's my understanding that CBD would waive compatibility requirements and there is a house within the zone; is that correct? As well as there being a different FAR between CBD and dmU.

CBD certainly weighs compatibility. I'm not aware of the house that you are talking to, but if there are intervening buildings in between the property that triggers compatibility and this property. There may be some adjustments that are allowed under the code. But dmU is subject to compatibility standards. So even though the neighborhood may support it up to 375 feet in height, it would be modified by compatibility standards [indiscernible]

Tovo: One last question if I may for Greg. I know I watched some of the planning commission hearing last night for 129, I know there was a lot of discussion about the property that is I believe immediately east of 701 and 711 west seventh. That also was subject maybe this is the case to which councilmember Riley was referring, but that was part of that negotiation I think resulted in a 75% residential requirement as well as some setbacks, so there was some discussion among planning commission about those requirements. I would just ask that, you know, if our direction leads us in that way that we might have some of that information available on Thursday.

We can provide that tomorrow or Thursday.

Laura.

Morrison: I have two quick questions on these. Do you off the top of your head or maybe you can provide it later. In the downtown plan that's going to be coming to us, the different areas that have different height limits and things, if you could let me know or if you know what the height limits are for these two properties under the downtown plan.

Under the density bonus or just as -- both? Okay.

Morrison: Thanks.

Mayor Leffingwell: Chris.

Riley: On 129 on west seventh street, on the southside of the street between Rio Grande and West Avenue, on the -- at 8th and Rio Grande there is a single family home on the southeast corner. So if there's any way we can make some determination about the effective compatibility as a result of that use that would be helpful.

Okay.

Mayor Leffingwell: Okay. Apparently no other items for discussion, without objection, we stand adjourned at 12:55.